



[Billing Code 6570-01]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Agency Information Collection Activities

AGENCY: Equal Employment Opportunity Commission

ACTION: Notice of Information Collection – Revised: Demographic Information on Applicants for Federal Employment

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, the Equal Employment Opportunity Commission (Commission or EEOC) announces that it intends to revise a Commission form (Demographic Information on Applicants, OMB No. 3046-0046) to include disability status data.

DATE: Written comments on this notice must be submitted on or before [insert date 60 days after publication in the Federal Register].

ADDRESSES: Comments should be sent to the Executive Officer, Executive Secretariat, Equal Employment Opportunity Commission, 131 M Street, NE., Washington, DC 20507. As a convenience to commenters, the Executive Secretariat will accept comments totaling six or fewer pages by facsimile (“FAX”) machine. This limitation is necessary to assure access to the equipment. The telephone number of the fax receiver is (202) 663-4114. (This is not a toll-free number). Receipt of FAX transmittals will not be acknowledged, except that the sender may request confirmation of receipt by calling the Executive Secretariat staff at (202) 663-4070 (voice) or (202) 663-4074 (TTD). (These are not toll-free telephone numbers.) Instead of sending written comments to the EEOC, you may submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments. All comments received through this portal will be posted without change, including any personal information you provide. Copies of comments submitted by the public to the EEOC directly or through the Federal eRulemaking Portal will be available for review, by advance appointment only, at the Commission's library between the hours of 9:00 a.m. and 5:00 p.m. or can be reviewed at <http://www.regulations.gov>. To schedule an appointment to inspect the comments at EEOC's library, contact the library staff at (202) 663-4630 (voice) or (202) 663-4641 (TTY). (These are not toll-free numbers.)

FOR FURTHER INFORMATION CONTACT: Barbara Dougherty, Federal Sector Programs, Office of Federal Operations, 131 M Street, NE, Washington, DC 20507, (202) 663-4770 (voice); (202) 663-4593 (TTY).

SUPPLEMENTARY INFORMATION:

On July 26, 2010, President Obama issued Executive Order 13548, which directs Executive departments and agencies (hereafter “agencies”) to improve their efforts to employ Federal workers with disabilities through increased recruitment, hiring, and retention of these

individuals. OPM, in consultation with the White House (including the Office of Management and Budget (OMB)), the Department of Labor (DOL), and the EEOC has developed, as required by the EO 13548, model recruitment and hiring strategies for agencies to use to increase their employment of individuals with disabilities.

(<http://www.chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=3228#Attachment1>)

The strategies include collecting, maintaining, and analyzing applicant flow data and examining existing recruitment programs and hiring practices to identify and eliminate any barriers to recruiting/hiring individuals with disabilities and, in particular, individuals with targeted disabilities.

This Notice concerns revising the form (OMB No. 3046-0046) for the use by federal agencies in gathering data on the race, ethnicity, and sex of job applicants. This form is used by EEOC and other agencies to gauge progress and trends over time with respect to equal employment opportunity goals. The revision would add disability status of applicants to the collection, thereby allowing the agencies and EEOC to track progress toward meeting the recruitment and hiring strategies developed pursuant to EO 13548. The race and ethnicity categories in this form are consistent with the standards set by the Office of Management and Budget¹. The questions on disability and medical impairments are designed to allow federal agencies and the EEOC to determine the percentage of applicants to Federal jobs who might be considered “individuals with disabilities” under various approaches to defining the term. Among other things, the disability questions are designed to analyze the frequency with which people with “targeted disabilities” apply for positions with an agency, compare the percentage of applicants with functional disabilities to the percentage of working age people with such disabilities as recorded by the Census Bureau, and examine the number of applicants with medical impairments consistent with the Americans with Disabilities Act Amendments Act and the Rehabilitation Act.

Pursuant to the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, and OMB regulation 5 CFR § 1320.8(d)(1), the Commission solicits public comment on revising its form for use by federal agencies in gathering demographic information on applicants for federal employment. Comments are particularly invited on whether this collection of information will enable the Commission and federal agencies to:

- (1) Evaluate whether the proposed data collection tool will have practical utility by enabling a federal agency to determine whether recruitment activities are effectively reaching all segments of the relevant labor pool in compliance with the laws enforced by the Commission and whether the agency’s selection procedures allow all applicants to compete on a level playing field regardless of race, national origin, sex or disability status;
- (2) Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- (3) Enhance the quality, utility, and clarity of the information to be collected; and

¹ Office of Management and Budget. Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity, Federal Register: 62: No.210, October 30, 1997, available at: http://www.whitehouse.gov/omb/fedreg_1997standards/

(4) Minimize the burden of the collection of information on applicants for federal employees who choose to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

Collection Title: Demographic Information on Federal Job Applicants

OMB Control No.: 3046-0046

Description of Affected Public: Individuals submitting applications for federal employment.

of Annual Responses: 5,800

Estimated Time Per Respondent: 3 minutes

Total Annual Burden Hours $(5,800 \times 3)/60 = 290$

Annual Federal Cost: None

Abstract: Under section 717 of Title VII and 501 of the Rehabilitation Act, the Commission is charged with reviewing and approving federal agencies plans to affirmatively address potential discrimination before it occurs. Pursuant to such oversight responsibilities, the Commission has established systems to monitor compliance with Title VII and the Rehabilitation Act by requiring federal agencies to evaluate their employment practices through the collection and analysis of data on the race, national origin, sex and disability status of applicants for both permanent and temporary employment.

Several federal agencies (or components of such agencies) have previously obtained separate OMB approval for the use of forms collecting data on the race, national origin, sex, and disability status of applicants. In order to avoid unnecessary duplication of effort and a proliferation of forms, the EEOC seeks approval for the use of a common form to be used by all federal agencies.

Response by applicants is optional. The information obtained will be used by federal agencies only for evaluating whether an agency's recruitment activities are effectively reaching all segments of the relevant labor pool, to gauge progress and trends over time with respect to equal opportunity goals, and to track progress toward meeting the recruitment and hiring strategies developed pursuant to EO 13548. The voluntary responses are treated in a highly confidential and anonymous manner, are not shared with those involved in the selection process or the supervisor (if the person is hired) and will not be placed in the employees' personnel file. The information is not provided to any panel rating the applications, to selecting officials, to anyone who can affect the application or to the public. Rather, the information is used in summary form to determine trends over many selections within a given occupational or organization area. No information from the form is entered into an official personnel file.

Burden Statement:

Because of the predominant use of online application systems, which require only pointing and clicking on the selected responses, and because the form requests only eight questions regarding basic information, the EEOC estimates that an applicant can complete the form in approximately 3 minutes or less. Based on past experience, we expect that 5,800 applicants will choose to complete the form.

Once OMB approves the use of this common form, federal agencies may request OMB approval to use this common form without having to publish notices and request public comments for 60 and 30 days. Each agency must account for the burden associated with their use of the common form.

Dated: February 11, 2013

For the Commission

Jacqueline A. Berrien
Chair

DEMOGRAPHIC INFORMATION ON APPLICANTS**OMB No.:****Expiration Date:**

Vacancy Announcement No.:
Position Title:

YOUR PRIVACY IS PROTECTED

This information is used to determine if our equal employment opportunity efforts are reaching all segments of the population, consistent with Federal equal employment opportunity laws. Responses to these questions are voluntary. Your responses are not shown to the panel rating the applications, to the selecting official, or to anyone else who can affect your application. This form will not be placed in your Personnel file and will be kept private to the extent permitted by law.

Completion of this form is voluntary and a refusal to provide the information will not subject you to any adverse treatment.

Thank you for helping us to provide better service.

1. How did you learn about this position? (Check One):

- ☐ Agency Internet Site recruitment
- ☐ Private Employment Web Site
- ☐ Other Internet Site
- ☐ Job Fair
- ☐ Newspaper or magazine
- ☐ Agency or other Federal government on campus
- ☐ School or college counselor or other official
- ☐ Friend or relative working for this agency
- ☐ Private Employment Office
- ☐ Agency Human Resources Department (bulletin board or other announcement)
- ☐ Federal, State, or Local Job Information Center
- ☐ Other

2. Sex (Check One):

- ☐ **Male**
- ☐ **Female**

3. Ethnicity (Check One):

- ☐ **Hispanic or Latino** - a person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race.
- ☐ **Not Hispanic or Latino**

4. Race (Check all that apply):

- ☐ **American Indian or Alaska Native** - a person having origins in any of the original peoples of North or South America (including Central America), and who maintains tribal affiliation or community attachment.
- ☐ **Asian** - a person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, or Vietnam.
- ☐ **Black or African American** - a person having origins in any of the black racial groups of Africa.
- ☐ **Native Hawaiian or Other Pacific Islander** - a person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific islands.
- ☐ **White** - a person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

5. Disability/Medical Conditions

The next questions address disability and serious health conditions. Your responses will ensure that we are reaching individuals with different types of physical and mental conditions. Consider your answers without the use of medication and aids (except eyeglasses) or the help of another person.

A. Do you have any of the following? Check all boxes that apply to you:

- ☐ Deaf or serious difficulty hearing
- ☐ Blind or serious difficulty seeing even when wearing glasses
- ☐ Missing an arm, leg, hand or foot
- ☐ Paralysis: Partial or complete paralysis (any cause)
- ☐ Severe Disfigurement: For example, severe disfigurements caused by burns, wounds, accidents, or congenital disorders
- ☐ Severe mobility impairment: For example, uses a wheelchair, scooter, walker or uses a leg brace to walk
- ☐ Bipolar disorder, schizophrenia, PTSD, major depression or other severe psychological disorder
- ☐ Severe Intellectual Disability (formerly described as mental retardation)
- ☐ Severe Developmental Disability: For example, cerebral palsy or autism spectrum disorder
- ☐ Traumatic Brain Injury
- ☐ Dwarfism
- ☐ Epilepsy or Other Seizure Disorders

B. Because of a physical, mental, or emotional condition, do you have: Check all boxes that apply to you:

- ☐ serious difficulty concentrating, remembering, or making decisions?
- ☐ serious difficulty walking or climbing stairs?
- ☐ difficulty dressing or bathing?
- ☐ difficulty doing errands alone such as visiting a doctor's office or shopping?

C. Other serious health condition:

- ☐ I do not have any of the above disabilities, but I have been diagnosed with a serious health condition (for example, diabetes, cancer, kidney dysfunction, HIV, anxiety disorder, fibromyalgia, Crohn's disease and other types of serious health conditions), or with a learning disability, a speech impairment, or a hearing impairment.

Note that under the Rehabilitation Act (Act), information on your disability status can only be used in connection with non-discrimination and affirmative action obligations. The information will be kept confidential in accordance with the Act's provisions and the information will be used only in accordance with the Act.

PRIVACY ACT AND PAPERWORK REDUCTION ACT STATEMENT

Privacy Act Information: This information is provided pursuant to Public Law 93-579 ("Privacy Act of 1974"), for individuals completing Federal records and forms that solicit personal information. The authority is 5 U.S.C. 7201 and the Uniform Guidelines on Employee Selection Procedures, 29 C.F.R. Part 1607. No individual data is ever provided to selecting officials. This form will only be seen by Human Resource personnel and Equal Employment Opportunity officials.

Purpose and Routine Uses: Data summarizing all applicants for a position will be used to determine if we are effectively recruiting and selecting individuals from all segments of the population. Only summary data is reported, and only in a format which can not be broken out by individual applicants. **Effects of Nondisclosure:** Providing this information is voluntary. No individual personnel selections are made based on this information.

Paperwork Reduction Act Statement: The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et. seq.) requires us to inform you that this information is being collected for planning and assessing affirmative employment program initiatives. Response to this request is voluntary. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB Control Number. The estimated burden of completing this form is five (5) minutes per response, including the time for reviewing instructions. Direct comments regarding the burden estimate or any other aspect of this form to [INSERT: Agency name and address] and to the Office of Management Budget, Office of Information and Regulatory Affairs, Washington, DC 20503.

[FR Doc. 2013-03528 Filed 02/14/2013 at 8:45 am; Publication Date: 02/15/2013]